

### Remarks

Claims 1-52 were pending in the application and all of the pending claims were rejected for reasons discussed below. In order to expedite prosecution of the application all of the pending claims have been canceled without prejudice or disclaimer to the subject matter contained therein. Claims 53-95 have been added. Claims 53, 76 and 87 are the independent claims after entry of the amendment.

The Examiner objected to several claims for the informalities noted. The claims have been canceled without prejudice or disclaimer to the subject matter contained therein. It is submitted that the objections are not applicable to the newly added claims. Accordingly, the Applicant submits that the objection should be withdrawn.

The Examiner rejected:

- claims 1, 4, 6-9, 11-15, 21, 22, 24, 25, 29, 36, 39, 40, 41 and 43-47 under 35 USC 102(b) as being anticipated by *Maissel et al.* (PCT Publication WO 99/01984);
- claim 2 under 35 USC 103(a) as being unpatentable over *Maissel et al.* in view of *Hendricks et al.* (US Patent 5,682,195) and *Krause et al.* (US Patent 5,926,205);
- claims 3, 5, 30, 37 and 42 under 35 USC 103(a) as being unpatentable over *Maissel et al.* in view of *Alexander et al.* (US Patent 6,177,931);
- claims 18-20, 23, 26-28, 31, 32, 34, 35, 50 and 51 under 35 USC 103(a) as being unpatentable over *Maissel et al.* in view of *Knee et al.* (US Publication 2002/0095676);
- claims 33 and 52 under 35 USC 103(a) as being unpatentable over *Maissel et al.* in view of *Knee et al.* and *Alexander et al.*;
- claims 16, 17, 48 and 49 under 35 USC 103(a) as being unpatentable over *Maissel et al.* in view of *Lawler* (US Patent 5,758,259);

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- claim 10 under 35 USC 103(a) as being unpatentable over *Maissel et al.* in view of *Goldman et al.* (US Publication 2003/0135853); and
- claim 38 under 35 USC 103(a) as being unpatentable over *Maissel et al.* in view of *Herz* (US Patent 6,029,195).

The pending claims were canceled without prejudice or disclaimer to the subject matter contained therein. It is submitted that the new claims are patentable over the cited references for at least the following reasons.

Independent claim 53 is directed to a method for generating a subscriber profile from subscriber interactions. The method includes monitoring subscriber interactions with a multimedia interaction device. Irrelevant subscriber interactions are filtered out. Heuristic rules related to at least some subset of the filtered subscriber interactions are retrieved. The heuristic rules predict demographic traits for a subscriber based on various subscriber interactions. The heuristic rules are applied to the filtered subscriber interactions in order to generate a subscriber profile that predicts demographic traits of the subscriber.

It is submitted that none of the cited references disclose, teach or suggest the embodiment recited in claim 53. For example, none of the references disclose, teach or suggest heuristic rules that predict demographic traits based on subscriber interactions, or applying the heuristic rules to the subscriber interactions activities to generate a subscriber profile that predicts demographic traits.

As defined in the application, the heuristic rules may be logical rules or may be rules expressed in terms of conditional probabilities. Fig. 10A and the associated text at page 26, line 19 – page 27, line 8 illustrate and describe exemplary logical heuristic rules. For example, the heuristic rules equate an individual watching the soap opera "Days of our lives" with a housewife (1050). The heuristic rules also equate higher frequency of channel changes to higher income, as illustrated a user who zaps once every 2 minutes and 42 seconds is associated with an income of greater than \$75,000 (1010). Fig. 10B and the associated text from page 27, lines 9-17 illustrate and describe exemplary probabilistic heuristic rules. The exemplary heuristic rules define probabilities of

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demographic make-up of a user based on the category of programming they are viewing. For example, the heuristic rules assign an individual watching the news a 40% probability of being over the age of 70, a 40% probability of making between \$50K - \$100K, a 50% of being a single member family, and a 70% chance of being female. It is clear that the exemplary heuristic rules described in the application are related to viewing characteristics (e.g., watching soap opera, watching the news) and predict demographic traits (e.g., housewife, 40% probability of income between \$50K - \$100K).

As illustrated in Fig. 12 of the application, the subscriber profile identifies demographic characteristics about the subscriber (e.g., age, gender). As illustrated, the profile includes a probabilistic distribution of the likelihood of the subscriber being within different demographic segments (e.g., 0-10, 10-18) for each demographic characteristic (e.g., age), though the claim clearly does not limit the scope thereto.

The Applicant respectfully submits that for at least these reasons claim 53 is patentable over the cited references. Claims 54-75 depend from claim 53 and are therefore submitted to be patentable over the cited references for at least those reasons described with respect to claim 53 and for the further features recited therein.

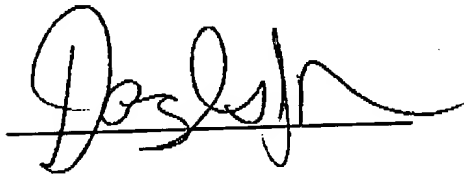
Independent claims 76 and 87 are submitted to be patentable over the cited references for at least similar reasons to those discussed with respect to claim 53. Claims 77-86 and 88-95 depend from claims 76 and 87 respectively and are therefore submitted to be patentable over the cited references for at least the reasons discussed with respect to the independent claims and for the further features recited therein.

**Conclusion**

For the foregoing reasons, Applicant respectfully submits that claims 53-95 are in condition for allowance. Accordingly, early allowance of claims 53-95 is earnestly solicited.

If the Examiner believes that a conference would be of value in expediting the prosecution of this Application, the Examiner is hereby invited to contact the undersigned attorney to set up such a conference.

Respectfully submitted,



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